

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KATHLEEN MCNULTY,
7524 E. 78th St.
Tulsa, OK 74133

Plaintiff,

VS.

DELTA OUTSOURCE GROUP, INC.,
1000 Lake St. Louis Blvd, Ste. 20
Lake St. Louis, MO 63367

Defendant.

Case No.4:12-cv-2298
Division No.

COMPLAINT

Plaintiff, KATHLEEN MCNULTY (“Plaintiff”), through attorneys, KROHN & MOSS. LTD., alleges the following against Defendant, DELTA OUTSOURCE GROUP, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

4. Defendant is located in the state of Missouri; therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Tulsa, Tulsa County, Oklahoma.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiffs allegedly owe a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiffs.
9. Defendant is a national company located in Lake St. Louis, St. Charles County, Missouri.
10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. In or around July of 2012, Defendant placed a call to Plaintiff in an attempt to collect on an alleged debt arising from transactions for personal, family, and/or household purposes.
12. Defendant placed collection calls to Plaintiff's home phone at 918-938-17XX
13. In or around July of 2012, Defendant's representative, "Brianna," left a voicemail message on Plaintiff's Voicemail. *See* Transcribed Voicemail Message attached hereto as Exhibit A.
14. In the voicemail message, Plaintiff's representative, "Brianna," failed to state that the call was being made by a debt collector in an attempt to collect an alleged debt. *See* Exhibit A.

15. In the voicemail message, Plaintiff's representative, "Brianna," directed Plaintiff to return the call at 1-800-364-1895, which is a number that belongs to Defendant.

16. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a) Defendant violated §1692e of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of a debt.
- b) Defendant violated § 1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- c) Defendant violated §1692e(11) of the FDCPA by communicating with Plaintiffs and failing to disclose that the communication was being made by a debt collector in an attempt to collect an alleged debt.

WHEREFORE, Plaintiff, KATHLEEN MCNULTY, respectfully request judgment be entered against Defendant, DELTA OUTSOURCE GROUP, INC., for the following:

18. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.

19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k

20. Any other relief that this Honorable Court deems appropriate.

Date: December 12, 2012

RESPECTFULLY SUBMITTED,

By:/s/ Adam C. Maxwell

[] Adam C. Maxwell

ED Bar No: 62103MO

Attorney for Plaintiff

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